



General Assembly

January Session, 2013

Committee Bill No. 5299

LCO No. 5026



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

**AN ACT CONCERNING AUTHORIZATION FOR THE USE OF
ANTIEPILEPTIC MEDICATIONS IN SCHOOL SETTINGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-212a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) (1) A school nurse or, in the absence of such nurse, any other
4 nurse licensed pursuant to the provisions of chapter 378, including a
5 nurse employed by, or providing services under the direction of a local
6 or regional board of education at, a school-based health clinic, who
7 shall administer medical preparations only to students enrolled in such
8 school-based health clinic in the absence of a school nurse, the
9 principal, any teacher, licensed athletic trainer, licensed physical or
10 occupational therapist employed by a school district, or coach of
11 intramural and interscholastic athletics of a school may administer,
12 subject to the provisions of subdivision (2) of this subsection,
13 medicinal preparations, including such controlled drugs as the
14 Commissioner of Consumer Protection may, by regulation, designate,
15 to any student at such school pursuant to the written order of a
16 physician licensed to practice medicine, or a dentist licensed to practice

17 dental medicine in this or another state, or an optometrist licensed to
18 practice optometry in this state under chapter 380, or an advanced
19 practice registered nurse licensed to prescribe in accordance with
20 section 20-94a, or a physician assistant licensed to prescribe in
21 accordance with section 20-12d, and the written authorization of a
22 parent or guardian of such child. The administration of medicinal
23 preparations by a nurse licensed pursuant to the provisions of chapter
24 378, a principal, teacher, licensed athletic trainer, licensed physical or
25 occupational therapist employed by a school district, or coach shall be
26 under the general supervision of a school nurse. No such school nurse
27 or other nurse, principal, teacher, licensed athletic trainer, licensed
28 physical or occupational therapist employed by a school district, coach
29 or school paraprofessional administering medication pursuant to
30 subsections (d) and (e) of this section shall be liable to such student or
31 a parent or guardian of such student for civil damages for any personal
32 injuries that result from acts or omissions of such school nurse or other
33 nurse, principal, teacher, licensed athletic trainer, licensed physical or
34 occupational therapist employed by a school district, coach or school
35 paraprofessional administering medication pursuant to subsections (d)
36 and (e) of this section in administering such preparations that may
37 constitute ordinary negligence. This immunity does not apply to acts
38 or omissions constituting gross, wilful or wanton negligence.

39 (2) Each local and regional board of education that allows a school
40 nurse or, in the absence of such nurse, any other nurse licensed
41 pursuant to the provisions of chapter 378, including a nurse employed
42 by, or providing services under the direction of a local or regional
43 board of education at, a school-based health clinic, who shall
44 administer medical preparations only to students enrolled in such
45 school-based health clinic in the absence of a school nurse, the
46 principal, any teacher, licensed athletic trainer, licensed physical or
47 occupational therapist employed by a school district, or coach of
48 intramural and interscholastic athletics of a school to administer
49 medicine or that allows a student to self-administer medicine,
50 including medicine administered through the use of an asthmatic

51 inhaler or an automatic prefilled cartridge injector or similar automatic
52 injectable equipment, shall adopt written policies and procedures, in
53 accordance with this section and the regulations adopted pursuant to
54 subsection (c) of this section, that shall be approved by the school
55 medical advisor or other qualified licensed physician. Once so
56 approved, such administration of medication shall be in accordance
57 with such policies and procedures.

58 (3) A director of a school readiness program as defined in section
59 10-16p or a before or after school program exempt from licensure by
60 the Department of Public Health pursuant to subdivision (1) of
61 subsection (b) of section 19a-77, or the director's designee, may
62 administer medications to a child enrolled in such a program in
63 accordance with regulations adopted by the State Board of Education
64 in accordance with the provisions of chapter 54. No individual
65 administering medications pursuant to this subdivision shall be liable
66 to such child or a parent or guardian of such child for civil damages for
67 any personal injuries that result from acts or omissions of such
68 individual in administering such medications which may constitute
69 ordinary negligence. This immunity shall not apply to acts or
70 omissions constituting gross, wilful or wanton negligence.

71 (b) Each school wherein any controlled drug is administered under
72 the provisions of this section shall keep such records thereof as are
73 required of hospitals under the provisions of subsections (f) and (h) of
74 section 21a-254 and shall store such drug in such manner as the
75 Commissioner of Consumer Protection shall, by regulation, require.

76 (c) The State Board of Education, in consultation with the
77 Commissioner of Public Health, shall adopt regulations, in accordance
78 with the provisions of chapter 54, determined to be necessary by the
79 board to carry out the provisions of this section, including, but not
80 limited to, regulations that (1) specify conditions under which a coach
81 of intramural and interscholastic athletics may administer medicinal
82 preparations, including controlled drugs specified in the regulations

83 adopted by the commissioner, to a child participating in such
84 intramural and interscholastic athletics, (2) specify conditions and
85 procedures for the administration of medication, including, but not
86 limited to, antiepileptic medication, by school personnel to students,
87 and (3) specify conditions for self-administration of medication by
88 students, including permitting a child diagnosed with: (A) Asthma to
89 retain possession of an asthmatic inhaler at all times while attending
90 school for prompt treatment of the child's asthma and to protect the
91 child against serious harm or death provided a written authorization
92 for self-administration of medication signed by the child's parent or
93 guardian and an authorized prescriber is submitted to the school
94 nurse; and (B) an allergic condition to retain possession of an
95 automatic prefilled cartridge injector or similar automatic injectable
96 equipment at all times while attending school for prompt treatment of
97 the child's allergic condition and to protect the child against serious
98 harm or death provided a written authorization for self-administration
99 of medication signed by the child's parent or guardian and an
100 authorized prescriber is submitted to the school nurse. The regulations
101 shall require authorization pursuant to: (i) The written order of a
102 physician licensed to practice medicine in this or another state, a
103 dentist licensed to practice dental medicine in this or another state, an
104 advanced practice registered nurse licensed under chapter 378, a
105 physician assistant licensed under chapter 370, a podiatrist licensed
106 under chapter 375, or an optometrist licensed under chapter 380; and
107 (ii) the written authorization of a parent or guardian of such child.

108 (d) (1) With the written authorization of a student's parent or
109 guardian, and (2) pursuant to the written order of the student's (A)
110 physician licensed under chapter 370, (B) an optometrist licensed to
111 practice optometry under chapter 380, (C) an advanced practice
112 registered nurse licensed to prescribe in accordance with section 20-
113 94a, or (D) a physician assistant licensed to prescribe in accordance
114 with section 20-12d, a school nurse and a school medical advisor may
115 jointly approve and provide general supervision to an identified
116 school paraprofessional to administer medication, including, but not

117 limited to, antiepileptic medication to a specific student for prompt
118 treatment of the student's epilepsy and medication administered with
119 a cartridge injector, to a specific student with a medically diagnosed
120 allergic condition that may require prompt treatment in order to
121 protect the student against serious harm or death. For purposes of this
122 subsection, "cartridge injector" means an automatic prefilled cartridge
123 injector or similar automatic injectable equipment used to deliver
124 epinephrine in a standard dose for emergency first aid response to
125 allergic reactions.

126 (e) (1) With the written authorization of a student's parent or
127 guardian, and (2) pursuant to a written order of the student's physician
128 licensed under chapter 370, a school nurse or a school principal shall
129 select, and a school nurse shall provide general supervision to, a
130 qualified school employee to administer medication with injectable
131 equipment used to administer glucagon to a student with diabetes that
132 may require prompt treatment in order to protect the student against
133 serious harm or death. Such authorization shall be limited to situations
134 when the school nurse is absent or unavailable. No qualified school
135 employee shall administer medication under this subsection unless (A)
136 such qualified school employee annually completes any training
137 required by the school nurse and school medical advisor in the
138 administration of medication with injectable equipment used to
139 administer glucagon, (B) the school nurse and school medical advisor
140 have attested, in writing, that such qualified school employee has
141 completed such training, and (C) such qualified school employee
142 voluntarily agrees to serve as a qualified school employee. For
143 purposes of this subsection, "injectable equipment used to administer
144 glucagon" means an injector or injectable equipment used to deliver
145 glucagon in an appropriate dose for emergency first aid response to
146 diabetes. For purposes of this subsection, "qualified school employee"
147 means a principal, teacher, licensed athletic trainer, licensed physical
148 or occupational therapist employed by a school district, coach or
149 school paraprofessional.

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| This act shall take effect as follows and shall amend the following sections: |
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| Section 1 | <i>July 1, 2013</i> | 10-212a |
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Statement of Purpose:

To authorize certain school personnel to administer antiepileptic medication to students.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. STEINBERG, 136th Dist.; REP. BOUKUS, 22nd Dist.

H.B. 5299